

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CHMM, LLC,

3:12-CV-01484-ST

Plaintiff,

ORDER

v.

FREEMAN MARINE EQUIPMENT, INC.,

Defendant.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#51) on May 14, 2013, in which she recommends this Court grant in part and deny in part Defendant's Motion (#41) to Dismiss Plaintiff's Second Amended Complaint. The matter is now before this Court pursuant to 28 U.S.C.

§ 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

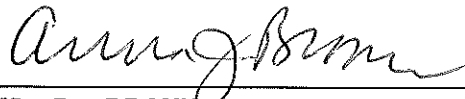
Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

### CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#51). Accordingly, the Court **GRANTS in part** Defendant's Motion (#41) to Dismiss Plaintiff's Second Amended Complaint as to that portion of Plaintiff's Sixth Claim alleging breach of a quasi-contract, breach of express warranty, and breach of implied warranty of seaworthiness, and **DENIES in part** Defendant's Motion (#41) to Dismiss as to that portion of Plaintiff's Sixth Claim alleging breach of the implied warranties of merchantability and fitness for the intended purpose.

IT IS SO ORDERED.

DATED this 14<sup>th</sup> day of June, 2013.




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ANNA J. BROWN  
United States District Judge